

From: Josh Wills
To: Microsoft ATR
Date: 1/23/02 9:23am
Subject: Microsoft Settlement

To Whom it May Concern:

I am a software engineer for the IBM Corporation. In addition to the work I do for IBM, I also work in my free time on several different open source software projects. I am writing you today to comment on the settlement agreement the DOJ has reached with Microsoft.

As you know, IBM is one of the OEMs that uses Microsoft's operating system in the computers we manufacture. IBM is also one of the leading proponents of the Linux operating system, an open source alternative to Microsoft on the x86 hardware platform. My concerns with the Microsoft settlement revolve around three fundamental issues: Microsoft's relationship with OEMs, the availability to ISVs of Microsoft's APIs, and the enforcement of this settlement.

There are alternatives to the Windows operating system, and the settlement needs to take into account the fact that OEMs must have the right to ship computers that do not contain any copy of Windows. Please amend section III.A.2 with this option, so as to prevent Microsoft from including this in their contracts with OEMs.

Microsoft's APIs should be fully standardized, documented, and available to the public. The ONLY party that benefits from Microsoft's ability to evaluate the "business plan" of companies that seek access to the APIs is Microsoft. It will enable them to control the market for software for years in the future by dragging their feet in evaluating companies, or dismissing requests for access to the APIs for spurious reasons. I do not see this option as punishing Microsoft as much as it benefits consumers, who would finally get the competitive market for software that they so richly deserve. Releasing the APIs to the public would create an intellectual property commons that would spur a new era of development and creativity in the software industry,

much as the Internet did, with the consumer as the beneficiary.

I strongly feel that Microsoft should have no say in who oversees it during its punishment. Microsoft, as a repeat offender and unrepented monopolist, has lost that right. I strongly suggest that the court appoint a single 'Master' who can manage and assist the court with overseeing Microsoft. Placing control in a single authority, chosen by and responsible to the court, is the only way that we can even remotely ensure that Microsoft complies with the remedies proposed in the settlement.

I thank you very much for your time, and I pray that wisdom and the spirit of justice will guide you into making a decision that properly benefits all of the victims of Microsoft's monopoly.

Sincerely yours,

Josh Wills
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The threads of circumstance that lead to tomorrow are so tenuous that all the fussing and worrying about decisions is futile compared to the pure randomness of existence.

-Nick Bantock

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